

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

BENJAMIN BEDOGWAR)	
ORYANG, # 168 079,)	
)	
Plaintiff,)	
)	
v.)	CASE NO. 2:21-CV-23-WKW
)	[WO]
ALABAMA DEPARTMENT OF)	
CORRECTIONS, <i>et al.</i> ,)	
)	
Defendants.)	

ORDER

Before the court is Plaintiff's notice of appeal (Doc. # 121), which is construed as containing a motion for leave to appeal *in forma pauperis*. "An appeal may not be taken *in forma pauperis* if the trial court certifies in writing that it is not taken in good faith." 28 U.S.C. § 1915(a). In making that determination, the court uses an objective standard, such as whether the appeal is "frivolous," *Coppedge v. United States*, 369 U.S. 438, 445 (1962), or "has no substantive merit," *United States v. Bottoson*, 644 F.2d 1174, 1176 (5th Cir. Unit B May 1981).¹

Plaintiff indicates that he is appealing the December 7, 2021 Order (Doc. # 112) dismissing Dr. Tahir Siddiq as a defendant. Absent a Rule 54(b) certification,

¹ In *Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc), the Eleventh Circuit adopted as binding precedent all of the decisions of the former Fifth Circuit handed down prior to the close of business on September 30, 1981.

which is not warranted here, an order dismissing the claims of one defendant in a multi-defendant action is not appealable. *See* Fed. R. Civ. P. 54(b). Because the appeal is premature, the court certifies that the appeal is not taken in good faith.

Accordingly, it is ORDERED that Plaintiff's motion for leave to appeal *in forma pauperis* (Doc. # 121) is DENIED.

DONE this 13th day of January, 2021.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE